

AMENDED IN SENATE MAY 8, 2002  
AMENDED IN ASSEMBLY JUNE 4, 2001  
AMENDED IN ASSEMBLY MAY 1, 2001  
AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1330**

**Introduced by Assembly Member Steinberg**

February 23, 2001

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~~An act to add Sections 16124 and 16125 to, and to repeal and add Section 11461 of, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor. An act to add and repeal Sections 20677.5, 20677.6, and 20683.4 of the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1330, as amended, Steinberg. ~~Foster youth~~ State employees.

(1) Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds of memoranda of understanding entered into between the state employer and State Bargaining Units 17 and 20, the California State

*Employees Association, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.*

*This bill would provide that provisions of the memoranda of understanding approved by this bill that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.*

*(2) The Public Employees' Retirement Law provides for the normal rate of contribution to the retirement fund for a state miscellaneous or industrial member, subject to certain criteria.*

*This bill, operative until July 1, 2003, would establish various normal rates of contribution for state miscellaneous or industrial members in State Bargaining Units 17 and 20, as specified, for members who are and are not included in the federal system and to be effective as of a date to be determined by the Director of the Department of Personnel Administration, but no later than May 1, 2002, to June 30, 2002, inclusive, and effective from July 1, 2002, to June 30, 2003, inclusive.*

*(3) Existing law establishes the normal rate of contribution to the Public Employees Retirement System for specified state safety members.*

*This bill would provide that the normal rate of contribution for specified state safety members in State Bargaining Unit 17 or 20 from a date to be determined by the Director of the Department of Personnel Administration, but no earlier than May 1, 2002, to June 30, 2003, is 1% of compensation in excess of \$317 per month paid to that member for service rendered.*

*(4) Existing provisions of the Budget Act of 2001 appropriate specified amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds for the augmentation of state employee compensation.*

*This bill would appropriate an additional \$4,664,000, as scheduled, from those funds in augmentation of specified items of the Budget Act of 2001 for state employee compensation.*



(5) *The bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law provides for the reimbursement of foster care providers under the state's Aid to Families with Dependent Children (AFDC) program, including payment for children placed in a licensed or approved family home with a capacity of 6 or less or in an approved home of a relative or nonrelated legal guardian and provides for the adjustment of these reimbursement rates at the rate of 6% on July 1, 1998.~~

~~Existing law also provides for the payment of a specialized care increment to foster families on behalf of an AFDC-FC child requiring specialized care, and provides for a clothing allowance for an AFDC-FC child.~~

~~This bill would repeal and recast the above provisions and prescribe increases including adjustments in the basic rates, special care increments, and clothing allowance for foster care children as well as for adoption assistance program payments, is contingent on appropriations for those purposes in the annual Budget Act or another statute.~~

~~This bill would also annually appropriate an amount equal to 5% of the annual appropriation for family homes to be used by counties for certain foster care-related purposes.~~

~~The bill would require the department to report to the Legislature, by March 31, 2002, with recommendations on methods to recruit and retain licensed foster family home providers.~~

~~Under existing law, the State Department of Social Services is required to promulgate statistical reports on the status of children in foster care.~~

~~This bill would require that no child, including a special needs child, be designated as unadoptable or be given an equivalent label, indicating a lack of qualification or diminished state of commitment on the part of adoptive parents.~~

~~This bill would prohibit the department from eliminating children who have been designated as unadoptable from using that category in their statistical reports and require the department to include these children in the population of finding adoptive homes.~~

~~Existing law has limited training programs for foster care providers.~~

~~This bill would require that the department establish a training and certification program for all licensed family foster care providers. The training would include continuing education, examination in parenting~~

skills, and training for special needs children. The foster care families who meet the certification standards would receive a 10% additional rate of pay above the basic rate of pay. The department would recoup a portion of the costs of the program from the foster care families by charging fees for the courses but the fee would be prohibited from exceeding 10% of the enhanced payment.

Because funds are continuously appropriated from the General Fund to pay for a share of the cost of AFDC-FC payments, by increasing AFDC-FC payments, the bill would constitute an appropriation.

Because each county is required to pay for a share of the cost of AFDC-FC payments, and to administer the AFDC-FC program, by increasing AFDC-FC payments, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes-no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1.~~ This act shall be known and may be cited as the
- 2     ~~SECTION 1.~~ *The Legislature finds and declares that the*
- 3     *purpose of this act is to approve agreements pursuant to Section*
- 4     *3517 of the Government Code entered into by the state employer*
- 5     *and Bargaining Unit 17, California State Employees Association,*
- 6     *Registered Nurses; and Bargaining Unit 20, California State*
- 7     *Employees Association, Medical and Social Services.*
- 8     ~~SEC. 2.~~ *The provisions of the memoranda of understanding*
- 9     *prepared pursuant to Section 3517.5 of the Government Code and*
- 10    *entered into by the state employer and the bargaining units as*
- 11    *defined in Section 1, and that require the expenditure of funds or*

1 legislative action to permit their implementation, are hereby  
2 approved for the purposes of Section 3517.6 of the Government  
3 Code.

4 SEC. 3. The provisions of the memoranda of understanding  
5 approved by Section 2 of this act that are scheduled to take effect  
6 on or after July 1, 2001, and that require the expenditure of funds,  
7 shall not take effect unless funds for these provisions are  
8 specifically appropriated by the Legislature. In the event that funds  
9 for these provisions are not specifically appropriated by the  
10 Legislature, the state employer and the affected employee  
11 organization shall meet and confer to renegotiate the affected  
12 provisions.

13 SEC. 4. Notwithstanding Section 3517.6 of the Government  
14 Code, the provisions of any memorandum of understanding that  
15 require the expenditure of funds shall become effective even if the  
16 provisions of the memorandum of understanding are approved by  
17 the Legislature in legislation other than the annual Budget Act.

18 SEC. 5. Section 20677.5 is added to the Government Code, to  
19 read:

20 20677.5. (a) Notwithstanding any provision of this part to the  
21 contrary, the normal rate of contribution for state miscellaneous  
22 or industrial members in State Bargaining Unit 17 shall be the  
23 following:

24 (1) Effective as of a date to be determined by the Director of the  
25 Department of Personnel Administration, but no earlier than May  
26 1, 2002, to June 30, 2002, inclusive, the normal rate of  
27 contribution for a member whose service is not included in the  
28 federal system shall be 3.5 percent of the compensation in excess  
29 of three hundred seventeen dollars (\$317) per month paid that  
30 member for service rendered.

31 (2) Effective July 1, 2002, to June 30, 2003, inclusive, the  
32 normal rate of contribution for a member whose service is not  
33 included in the federal system shall be 1 percent of the  
34 compensation in excess of three hundred seventeen dollars (\$317)  
35 per month paid that member for service rendered.

36 (3) Effective as of a date to be determined by the Director of the  
37 Department of Personnel Administration, but no earlier than May  
38 1, 2002, to June 30, 2002, inclusive, the normal rate of  
39 contribution for a member whose service has been included in the  
40 federal system shall be 2.5 percent of the compensation in excess

1 of five hundred thirteen dollars (\$513) per month paid that  
2 member for service rendered.

3 (4) Effective July 1, 2002, to June 30, 2003, inclusive, the  
4 normal rate of contribution for a member whose service has been  
5 included in the federal system shall be zero percent of the  
6 compensation for service rendered.

7 (b) Notwithstanding any provision of Section 21073.7 to the  
8 contrary, a member who elects to become subject to the benefits  
9 prescribed in Section 21354.1 and who is subject to this section  
10 shall be subject to the normal rate of contribution set forth in this  
11 section.

12 (c) This section does not apply to state miscellaneous or state  
13 industrial members who are subject to Section 21076.

14 (d) If the provisions of this section are in conflict with the  
15 provisions of a memorandum of understanding reached pursuant  
16 to Section 3517.5, the memorandum of understanding shall be  
17 controlling without further legislative action, except that if the  
18 provisions of a memorandum of understanding require the  
19 expenditure of funds, the provisions may not become effective  
20 unless approved by the Legislature in the annual Budget Act.

21 (e) This section shall become inoperative on July 1, 2003, and,  
22 as of January 1, 2004, is repealed, unless a later enacted statute  
23 that is enacted before January 1, 2004, deletes or extends the dates  
24 on which it becomes inoperative and is repealed.

25 SEC. 6. Section 20677.6 is added to the Government Code, to  
26 read:

27 20677.6. (a) Notwithstanding any provision of this part to the  
28 contrary, the normal rate of contribution for state miscellaneous  
29 or industrial members in State Bargaining Unit 20 shall be the  
30 following:

31 (1) Effective as of a date to be determined by the Director of the  
32 Department of Personnel Administration, but no earlier than May  
33 1, 2002, to June 30, 2003, inclusive, the normal rate of  
34 contribution for a member whose service is not included in the  
35 federal system shall be 1 percent of the compensation in excess of  
36 three hundred seventeen dollars (\$317) per month paid that  
37 member for service rendered.

38 (2) Effective as of a date to be determined by the Director of the  
39 Department of Personnel Administration, but no earlier than May  
40 1, 2002, to June 30, 2003, inclusive, the normal rate of



1 contribution for a member whose service has been included in the  
2 federal system shall be zero percent of the compensation for service  
3 rendered.

4 (b) Notwithstanding any provision of Section 21073.7 to the  
5 contrary, a member who elects to become subject to the benefits  
6 prescribed in Section 21354.1 and who is subject to this section  
7 shall be subject to the normal rate of contribution set forth in this  
8 section.

9 (c) This section does not apply to state miscellaneous members  
10 who are subject to Section 21076.

11 (d) If the provisions of this section are in conflict with the  
12 provisions of a memorandum of understanding reached pursuant  
13 to Section 3517.5, the memorandum of understanding shall be  
14 controlling without further legislative action, except that if the  
15 provisions of a memorandum of understanding require the  
16 expenditure of funds, the provisions may not become effective  
17 unless approved by the Legislature in the annual Budget Act.

18 (e) This section shall become inoperative on July 1, 2003, and,  
19 as of January 1, 2004, is repealed, unless a later enacted statute  
20 that is enacted before January 1, 2004, deletes or extends the dates  
21 on which it becomes inoperative and is repealed.

22 SEC. 7. Section 20683.4 is added to the Government Code, to  
23 read:

24 20683.4. (a) Notwithstanding any provision of Section  
25 20683 to the contrary, effective as of a date to be determined by the  
26 Director of the Department of Personnel Administration, but no  
27 earlier than May 1, 2002, to June 30, 2003, inclusive, the normal  
28 rate of contribution for state safety members subject to Section  
29 21369.1 in State Bargaining Unit 17 or 20 shall be the 1 percent  
30 of the compensation in excess of three hundred seventeen dollars  
31 (\$317) per month paid to that member for service rendered.

32 (b) This section does not apply to members employed by the  
33 California State University or the University of California.

34 (c) This section shall apply to state employees in State  
35 Bargaining Unit 17 or 20. If the provisions of this section are in  
36 conflict with the provisions of a memorandum of understanding  
37 reached pursuant to Section 3517.5, the memorandum of  
38 understanding shall be controlling without further legislative  
39 action, except that if the provisions of a memorandum of  
40 understanding require the expenditure of funds, the provisions may

1 *not become effective unless approved by the Legislature in the*  
2 *annual Budget Act.*

3 *(d) This section shall become inoperative on July 1, 2003, and,*  
4 *as of January 1, 2004, is repealed, unless a later enacted statute,*  
5 *that is enacted before January 1, 2004, deletes or extends the date*  
6 *on which it becomes inoperative and is repealed.*

7 *SEC. 8. The sum of four million six hundred sixty-four*  
8 *thousand dollars (\$4,664,000) is hereby appropriated for*  
9 *expenditure in the 2001–02 fiscal year in augmentation of, and for*  
10 *the purpose of state employee compensations as provided in, items*  
11 *9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section*  
12 *2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of*  
13 *2001) in accordance with the following schedule:*

14 *(a) Four million one hundred forty thousand dollars*  
15 *(\$4,140,000) from the General Fund in augmentation of Item*  
16 *9800-001-0001.*

17 *(b) Three hundred thirty-five thousand dollars (\$335,000) from*  
18 *unallocated special funds in augmentation of Item*  
19 *9800-001-0494.*

20 *(c) One hundred eighty-nine thousand dollars (\$189,000) from*  
21 *other unallocated nongovernmental cost funds in augmentation of*  
22 *Item 9800-001-0988.*

23 *SEC. 9. This act is an urgency statute necessary for the*  
24 *immediate preservation of the public peace, health, or safety*  
25 *within the meaning of Article IV of the Constitution and shall go*  
26 *into immediate effect. The facts constituting the necessity are:*

27 *In order for the provisions of this act to be applicable as soon*  
28 *as possible in the 2001–2002 fiscal year, and thereby facilitate the*  
29 *orderly administration of state government at the earliest possible*  
30 *time, it is necessary that this act take effect immediately.*

31 ~~*Child Welfare System Improvement and Accountability Act of*~~  
32 ~~*2001.*~~

33 ~~*SEC. 2. The Legislature finds and declares all of the*~~  
34 ~~*following:*~~

35 ~~*(a) There is an extreme shortage of licensed foster family*~~  
36 ~~*homes in California. Basic rates paid to foster family homes have*~~  
37 ~~*not kept pace with inflation and do not cover the out-of-pocket*~~  
38 ~~*costs of caring for these vulnerable children. Attracting and*~~  
39 ~~*retaining quality foster care families depends in part on adequate*~~  
40 ~~*compensation.*~~



~~(b) While state law promotes the placement of very young dependent children in family home placements, the shortage of foster families, aggravated by low compensation rates, has pushed the average age of children in nonfamily group placements progressively lower.~~

~~(c) Contrary to the best interests of children in foster care, sibling groups are frequently split up to ensure family placements for the youngest, while older siblings are placed in group care.~~

~~(d) Many abused and neglected children who are removed from their homes have been subject to “foster care drift,” moving from placement to placement without desirable family stability, education stability, or appropriate care. Many children beyond infancy are placed in expensive group homes, without regard to service needs, and a substantial number have been inappropriately designated as “unadoptable.”~~

~~SEC. 3. Section 11461 of the Welfare and Institutions Code is repealed.~~

~~SEC. 4. Section 11461 is added to the Welfare and Institutions Code, to read:~~

~~11461. (a) (1) For children placed in a licensed or approved family home with a capacity of six or less or in an approved home of a relative or nonrelated legal guardian, the per child per month rates in the following schedule shall be in effect for the period January 1, 2002, to June 30, 2002, inclusive:~~

<del>—Age</del>	<del>Basic rate</del>
<del>0–4 .....</del>	<del>\$ 405</del>
<del>5–8 .....</del>	<del>—441</del>
<del>9–11 .....</del>	<del>—471</del>
<del>12–14 .....</del>	<del>—521</del>
<del>15–20 .....</del>	<del>—569</del>

~~(2) This schedule of basic rates shall be adjusted to reflect the cost-of-living adjustment established in the Budget Act of 2001.~~

~~(b) Beginning with the 2001–02 fiscal year, the schedule of basic rates prescribed by subdivision (a) shall be adjusted by the percentage changes in the California Necessities Index, computed pursuant to the methodology described in Section 11453, subject to the availability of funds.~~

~~(c) In the 2002-03, 2003-04, 2004-05, and 2005-06 fiscal years, the schedule of basic rates in subdivision (a) as adjusted pursuant to subdivision (b), and other special payments specified in subdivisions (d) and (e), shall be adjusted annually by 5 percent. Implementation of this subdivision shall be contingent on an appropriation in the annual Budget Act or another statute.~~

~~(d) (1) As used in this section, "specialized care increment" means an approved amount paid with state participation on behalf of an AFDC-FC child requiring specialized care to a home listed in subdivision (a) in addition to the basic rate. On January 1, 2002, the department shall continue and maintain the then current ratesetting system for specialized care.~~

~~(2) Any county that, as of January 1, 2002, has in effect specialized care increments that have been approved by the department, shall continue to receive state participation for those payments.~~

~~(3) Beginning January 1, 2002, specialized care increments shall be adjusted in accordance with the methodology for the schedule of basic rates described in subdivision (c). No county shall receive state participation for any increases in a specialized care increment which exceeds the adjustments made in accordance with this methodology. Implementation of this paragraph shall be contingent on an appropriation in the annual Budget Act or another statute.~~

~~(e) (1) As used in this section, "clothing allowance" means the amount paid with state participation in addition to the basic rate for the provision of additional clothing for an AFDC-FC child, including, but not limited to, an initial supply of clothing and school or other uniforms.~~

~~(2) Any county that, as of January 1, 2002, has in effect clothing allowances, shall continue to receive the same level as it received on December 31, 2001.~~

~~(3) Beginning January 1, 2002, clothing allowances shall be adjusted annually in accordance with the methodology for the schedule of basic rates described in subdivision (c). No county shall be reimbursed for any increases in clothing allowances which exceed the adjustments made in accordance with this methodology. Implementation of this paragraph shall be contingent on an appropriation in the annual Budget Act or another statute.~~

~~(4) For the 2000-01 fiscal year and each fiscal year thereafter, without a county share of cost and notwithstanding subdivision (c) of Section 15200, each child shall be entitled to receive a supplemental clothing allowance of one hundred dollars (\$100) per year, subject to the availability of funds. The clothing allowance shall be used to supplement, and not supplant, the clothing allowance specified in paragraph (1).~~

~~(f) Notwithstanding subdivision (c) of Section 11460, or Section 13340 of the Government Code, an amount equal to 5 percent of the appropriation from the General Fund for family homes in any fiscal year is annually appropriated from the General Fund to the department for the AFDC-FC program in order to provide incentives and assistance to counties in the area of specialized care. This appropriation shall be used for, but the use shall not be limited to, encouraging counties to implement or expand specialized care payment systems, recruiting and training foster parents for the placement of children with specialized needs, and developing county systems to encourage the placement of children in family homes. Federal financial participation shall be claimed whenever possible for the purpose prescribed by this subdivision.~~

~~(g) The adjustment authorized by subdivision (c) shall also be applied for the adjustment of Adoption Assistance Program Payment levels or a successor payment program from their base levels in effect on July 1, 2001. Annual adjustments pursuant to subdivision (c) shall not adversely affect base rate increases in Adoption Assistance Program Payment level rates. Implementation of this subdivision shall be contingent on an appropriation in the annual Budget Act or other statute.~~

~~(h) By March 31, 2002, the department shall report to the appropriate policy and fiscal committees of the Legislature with recommendations on methods to recruit and retain licensed foster family home providers, including rate increases for these providers and providing such supportive services as respite care and child care for foster children. The report shall include, but not be limited to, both of the following:~~

~~(1) The estimated cost of each method identified in the report.~~

~~(2) The estimated impact of each method in increasing the number and retention of licensed foster family home providers.~~

1     ~~SEC. 5.—Section 16124 is added to the Welfare and Institutions~~  
2     ~~Code, to read:~~

3     ~~16124.—Notwithstanding any other provision of law, no child~~  
4     ~~subject to the jurisdiction of the juvenile court, or a part of the~~  
5     ~~state's foster care system, shall be designated as "unadoptable,"~~  
6     ~~or an equivalent label, indicating a lack of qualification or~~  
7     ~~diminished state of commitment on the part of adoptive parents.~~  
8     ~~Statistical reports on the status of children in foster care shall~~  
9     ~~designate those who are placed with relatives, in group homes,~~  
10    ~~with nonrelative legal guardians, or in family foster care, or by~~  
11    ~~other classification, and shall not eliminate the inclusion of any~~  
12    ~~child from those reports based on alleged difficulties in achieving~~  
13    ~~adoptive status.~~

14    ~~SEC. 6.—Section 16125 is added to the Welfare and Institutions~~  
15    ~~Code, to read:~~

16    ~~16125.—(a) The State Department of Social Services shall~~  
17    ~~establish by January 1, 2003, a training and certification program~~  
18    ~~for all licensed family foster care providers. That training program~~  
19    ~~shall include continuing education, examinations in parenting~~  
20    ~~skills, and examinations in the skills needed to meet the special~~  
21    ~~physical, emotional, and educational needs of children placed or~~  
22    ~~likely to be placed in their care. Licensed family foster care~~  
23    ~~providers who meet specified standards shall be designated as~~  
24    ~~"skilled-certified family foster care providers." The department~~  
25    ~~shall coordinate the training and certification program established~~  
26    ~~pursuant to this section with existing county training programs and~~  
27    ~~requirements.~~

28    ~~(b) Family foster care providers who meet the certification~~  
29    ~~standards established pursuant to subdivision (a) shall receive an~~  
30    ~~additional 10 percent above the base rate established pursuant to~~  
31    ~~subdivisions (a), (b), and (c) of Section 11461 as the monthly~~  
32    ~~compensation for provision of foster care services to medically~~  
33    ~~fragile or special needs foster children. The department may~~  
34    ~~charge fees for courses or other training to achieve the certification~~  
35    ~~in order to recover its costs of providing the course or other~~  
36    ~~training, but this fee shall not exceed 10 percent of the enhanced~~  
37    ~~payment that certification under this section would produce over~~  
38    ~~a six-month period.~~

39    ~~SEC. 7.—Notwithstanding Section 17610 of the Government~~  
40    ~~Code, if the Commission on State Mandates determines that this~~

1 ~~act contains costs mandated by the state, reimbursement to local~~  
2 ~~agencies and school districts for those costs shall be made pursuant~~  
3 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
4 ~~2 of the Government Code. If the statewide cost of the claim for~~  
5 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
6 ~~reimbursement shall be made from the State Mandates Claims~~  
7 ~~Fund.~~

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